



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/459,260	12/10/1999	EDWARD MARGOSCIN	5053-30700	9934

7590 03/09/2005

ERIC B MEYERTONS
CONLEY ROSE & TAYON PC
PO BOX 398
AUSTIN, TX 787670398

EXAMINER

PATEL, JAGDISH

ART UNIT	PAPER NUMBER
----------	--------------

3624

DATE MAILED: 03/09/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/459,260

Applicant(s)

MARGOSCIN ET AL.

Examiner

JAGDISH PATEL

Art Unit

3624

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 13 December 2004.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 36-58 and 60-75 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 36-58 and 60-75 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date 2/7/05.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

Art Unit: 3624

DETAILED ACTION

1. This communication is in response to amendment filed 12/13/2004.

Continued Examination Under 37 CFR 1.114

A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 12/13/04 has been entered.

Response to Amendment

2. Claims 36, 51, 61 and 71-74 have been amended. Claim 59 has been cancelled. Claims 36-58 and 60-75 are pending and have been examined.

Statute Cited in Prior Action

3. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

Double Patenting

Claims 73-75 are objected to under 37 CFR 1.75 as being a substantial duplicate of claims 71 and 72. When two claims in an application are duplicates or else are so close in content that they both cover the same thing, despite a slight difference in wording, it is proper after allowing one claim to object to the other as being a substantial duplicate of the allowed claim. See MPEP § 706.03(k).

Response to Arguments

4. The applicant's arguments regarding rejection of claims 36-50 under 35 USC 112 (second) and rejection of claims 71 and 72 under 35 USC 101 in view of the amendment are persuasive.

Accordingly these rejections have been withdrawn.

5. The applicant's arguments regarding rejection of claims 51-58, 60-75 under 35 USC 112 (second) are not persuasive. (See explanation under Claim Rejections - 35 USC 112).

6. Applicant's arguments with respect to claims 36-58 and 60-75 under prior art have been considered but are moot in view of the new ground(s) of rejection.

Art Unit: 3624

Claim Rejections - 35 USC § 112

7. Claims 51-58, 60-75 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

8. Amended claim 51 is rendered indefinite due to the following deficiency. Claims 52-58, 60 are dependent claims.

Claim 51 recites "after determining that the portion of received data includes values in a list of allowable values, flattening data;" This limitation merely indicate the hierarchy of these two process steps in that the data is flattened after the determining that the data includes a list of allowable values. However, there is no functional relationship of the flattening step to the determining step because data is flattened regardless of the values including allowable values.

Furthermore, the claim does not specify what action is taken if the determining step result is not including values.

Amended claim 61 is rendered indefinite due to similar deficiency. Refer to Claims 62-75 are dependent claims. It is recommended that the claim be amended in the form:

"if the portion of the data includes..transforming.." to connect the second outcome of the determining process (data includes). Note lines 7-8 "wherein if..does not include..notifying the user interface".

Claim 51 also should be amended in similar manner to positively and definitively recite the two distinct process performed depending upon the outcome of the determining step.

Claim Rejections - 35 USC § 103

8. Claims 36-58 and 60-75 are rejected under 35 U.S.C. 103(a) as being unpatentable over McDonough et al. (US Pat. 6,115,693) and further in view of Williams (US 6,591,272) (Williams). and further in view of official notice concerning modern database management.

Examiner's note: the following definition of CORBA architecture is extracted from web site <http://www.trinity.edu/~rjensen/245glosf.htm#CORBA> and provided for convenience of the applicant, since many features recited in the claims are facilitated by CORBA which is the platform used in the McDonough reference. It is noted that all feature of CORBA are inherently present in the cited references.

CORBA= Common Object Request Broker Architecture is in competition with Microsoft's OLE/DCOM object-oriented Middleware technology for business applications. CORBA is most popular in communications Middleware using an Object Request Broker ORB. CORBA evolved out of TCP/IP. DCOM is bundled with the Windows 2000 operating system but has lackluster support for other operating systems. CORBA is more flexible with other operating systems. Both CORBA and OLE/DCOM are designed to distribute objects or assembly of applications from discreet, self-contained components. Both are appealing in the fast growing technology of "object middleware." Object middleware has corporate appeal due to the ability to provide highly abstracted object-oriented programming interfaces. Microsoft added new terminology in this area. For example, COM depicts a Component Object Model to describe the base model used for building components. The term DCOM is the Distributed form of COM.

Art Unit: 3624

ActiveX (formerly OCX) is the packaging technology for controls and supercedes prior Visual Basic Controls known as VBX. OLE no longer means object linking and embedding. OLE now refers to a collection of technologies. For interactive computing on the web, see Distributed Network Computing. A good textbook chapter on CORBA is given at <http://ei.cs.vt.edu/~wwwbtb/fall.96/book/chap20/index.html>. Also see RPC and <http://www.trinity.edu/rjensen/260wp/260wp.htm#ODBC>.

Claim 36: McDonough teaches a system comprising:
a server configured to process business transactions
(servers operated by Content providers, Fig. 4 and L 426, ...434, col. 8 L 61-67);

a middleware program communicatively coupled to the server wherein the middleware program comprises a domain file (Business Process Service Provider 410, Fig. 4 and col. 8 L 61- col. 9 L 13, refer to business logic in channel independent applets);

a channel communicatively coupled to the middleware program and to the server (channel is shown as customer contact access methods and shown in Fig. 4 as kiosk 424, call center 422, phone 420 etc.); and

an interface program communicatively coupled to the channel and to the middleware program, wherein the interface program is configured to receive data and to command that will initiate a business transaction and transmit the command to the middleware program.. and wherein the middleware program transforms the data into a form required by the server and transformed data to the server, wherein the server performs the business transaction.. (the context manager also performs functions of the interface program as described in col. 8 L 51-67, management capability

Art Unit: 3624

for multiple customer access resources which share common business processes, see "business logic");

wherein the interface program receives data from the channel and transmits the data to the middleware program (refer to middleware CORBA as discussed in col. 9 L 25-30, also refer to description of the context manager discussed in analysis of above steps);

McDonough, while teaches the system substantially as claimed, fails to explicitly, recite that the domain file (business logic in channel independent applets) comprises a list of allowable values associated with one or more business transactions and that the middleware program determines whether portions of the received data include allowable values based on the domain file (business logic), and wherein the middleware program transforms the data into a form required by the server, and transmits the transformed data to the server.

Williams, in the same field of endeavor, however, teaches a system for application of data communication and data conversion and validation which comprises a domain file comprising a list of allowable values associated with a business transaction and further suggests determining whether the portion of the data include allowable values based on a domain files ((col. 12 L 13-18 and col. 30 L 30-36).

It would have been obvious to one of ordinary skill in the art at the time of invention to implement the domain file comprising a list of allowable values into the context manager and determining allowability of the data based on the domain file (validation of input data) as suggested by Williams to McDonough because validation of input data would provide conformity to the format requirements and limits imposed by the

Art Unit: 3624

server to facilitate further processing of the data by the server.

Claims 37. wherein the middleware program receives a result from the business transaction server and transfers the result to the interface program (Fig. 4 context manager, 402).

Claim 38-41. wherein the channel comprises a kiosk (a computer terminal, a call center, a an electronic data transfer system (refer to customer access methods shown in Fig. 1 and Fig. 4 heterogeneous systems 406)).

Claim 42-43 . wherein a local area network (wide area network) communicatively couples the channel to the server (Fig. 4 LAN/WAN).

Claim 44. wherein the portions of the domain file may be changed without changing code of the middleware program (col. 9 L 25-30, a feature of the CORBA used for distributed computing and object messaging).

Claims 45 wherein the middleware program generates an error code if the portions of the received data include values that are not allowable values (inherent feature of context manager because as described in col. 9 L 52-62 as the Quality Center which performs reporting 508, messaging and trouble shooting 512).

Claim 46 wherein the domain file comprises at least one serialized file generated by the domain manager (inherent feature of the CORBA used for distributed computing and object messaging)

Art Unit: 3624

Claim 47. wherein the middleware program transfers data to a plurality of business transaction servers during the processing of a business transaction (refer to Fig. 4, context Manager 402, transfers data to a plurality of transaction servers 404).

Claim 48. wherein the middleware program comprises computer code written in an object-oriented programming language (col. 9 L 25-30, CORBA, features of openness and functionality).

Claim 49. wherein the middleware program is extendable without altering source code of the middleware program ((col. 9 L 25-30, CORBA, inherent to the architecture) .

Claims 50. wherein an extension to the middleware program comprises computer code that is stored in a package and run when the middleware program runs((col. 9 L 25-30, CORBA, inherent to the architecture) .

Claims 51-58 and 60. All limitations of claims 51-60 have been analyzed as in claims 36-50. Note that the transforming of data in claim 36 is treated as flattening the data. Note that flattening, deflating are treated as transforming the data based upon determination of whether the data include allowable values as analyzed in claim 36.

All limitations of claims 61-69 have been analyzed as in claims 36-50. Note also that the business logic (domain file) inherently include the notifying the user if the portion of the data does not include allowable values. On the other hand data transformation is performed if the test of allowable values is affirmative.

Claim 70 is rejected as not limiting the parent claim 61. None of the step of claim 61 have any functional relationship to the legacy program. In other words, the limitation "legacy

Art Unit: 3624

program" is treated as non-functional descriptive material (i.e. limitation which adds little, if anything, to the claimed structure or acts and thus do not serve as a limitation on the claims to distinguish over the prior art. . See In re Gulack, 217 USPQ 401 (CAFC 1983), Ex parte Carver, 227 USPQ 465 (BdPatApp&Int 1985) and in re Lowry, 32 USPQ2d 1031 (CAFC 1994).

Claim 71: determining if the received data comprises data required to perform the initiated business transaction (see business logic in analysis of claim 1).

Claims 72-75 recited processes which are inherent to the business logic which incorporated in service provider (see col. 9 L 1-8).

Conclusion

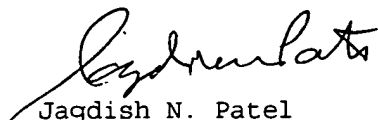
The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to JAGDISH PATEL whose telephone number is (703)308-7837. The examiner can normally be reached on 800AM-600PM M-Th.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Vincent Millin can be reached on (703)308-1065. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Art Unit: 3624

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Jagdish N. Patel

(Primary Examiner, AU 3624)

3/7/05